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MAILED

JUL 26 2010

OFFICE OF PETITIONS

In re	: DECISION ON
Kakoschke, et al.	: REQUEST FOR RECONSIDERATION
Application No. 10/521,528	: of PATENT TERM ADJUSTMENT
Filed: November 3, 2005	:
Attorney Docket No. 10808/208	:

This is a decision on the "NOTICE OF POSSIBLE PTA ERROR", filed January 20, 2010, requesting that the patent term adjustment indicated on the above-identified patent be recalculated.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.**

On October 20, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date was two hundred ninety (290) days.

The Office initially determined a patent term adjustment of two hundred ninety (290) days based on an adjustment for PTO delay of three hundred sixteen (316) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. 1.703(a)(1), reduced by twenty days of applicant delay pursuant to 37 CFR 1.704(b).

However, a review of the file reveals that Applicants should have been assessed additional delay of thirty-nine (39) days. Applicants filed an RCE on August 7, 2009. Subsequently, applicants filed an IDS on September 15, 2009. Accordingly, pursuant to 37 CFR 1.704(c)(8), Applicant delay of 39 days should have been assessed.

In view thereof, the correct number of days of patent term adjustment is two hundred fifty-seven (257) days (316 days of PTO delay, reduced by 59 (20+39) days of Applicant delay).

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight  
Supervisor  
Office of Petitions

Enclosure: Copy of Revised PAIR Screen

Day : Sunday  
Date: 7/25/2010

# PALM INTRANET

Time: 13:05:28

## PTA Calculations for Application: 10/521528

Application Filing Date:	11/03/2005	PTO Delay (PTO):	316
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	20
Post-Issue Petitions:	0	Total PTA (days):	257
PTO Delay Adjustment:	-39		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
84	07/25/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		39	
71	10/20/2009	MAIL NOTICE OF ALLOWANCE			
70	10/19/2009	ISSUE REVISION COMPLETED			
69	10/19/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
68	10/19/2009	CASE DOCKETED TO EXAMINER IN GAU			
67	10/19/2009	EXAMINER'S AMENDMENT COMMUNICATION			
66	10/19/2009	DOCUMENT VERIFICATION			
65	10/08/2009	NOTICE OF ALLOWABILITY			
64	09/15/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
63	09/15/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
62	08/11/2009	DATE FORWARDED TO EXAMINER			
61	08/07/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
60	08/11/2009	DATE FORWARDED TO EXAMINER			
59	08/07/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
58	08/11/2009	DISPOSAL FOR A RCE / CPA / R129			
57	08/07/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
56	07/13/2009	MAIL ADVISORY ACTION (PTOL - 303)			
55	07/13/2009	ADVISORY ACTION (PTOL-303)			
54	07/09/2009	DATE FORWARDED TO EXAMINER			
53	07/07/2009	AMENDMENT AFTER FINAL REJECTION			
52	05/07/2009	MAIL FINAL REJECTION (PTOL - 326)			
51	05/06/2009	FINAL REJECTION			

50	03/27/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	03/06/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	04/19/2009	DATE FORWARDED TO EXAMINER			
47	03/26/2009	AMENDMENT AFTER FINAL REJECTION			
46	03/27/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	01/28/2009	MAIL FINAL REJECTION (PTOL - 326)			
44	01/26/2009	FINAL REJECTION			
43	11/19/2008	DATE FORWARDED TO EXAMINER			
42	10/23/2008	RESPONSE AFTER NON-FINAL ACTION		20	40
41	10/23/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
40	07/03/2008	MAIL NON-FINAL REJECTION			
39	07/02/2008	NON-FINAL REJECTION			
38	06/05/2008	DATE FORWARDED TO EXAMINER			
37	04/21/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
36	03/19/2008	MAIL RESTRICTION REQUIREMENT			
35	03/17/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
30	01/16/2008	DATE FORWARDED TO EXAMINER			
29	12/20/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
28	11/15/2007	MAIL RESTRICTION REQUIREMENT	316		9
27	11/13/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
26	07/19/2007	CASE DOCKETED TO EXAMINER IN GAU			
23	10/19/2006	CASE DOCKETED TO EXAMINER IN GAU			
22	07/25/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	07/25/2006	CASE DOCKETED TO EXAMINER IN GAU			
19	11/03/2005	REFERENCE CAPTURE ON IDS			
16	07/11/2006	TRANSFER INQUIRY TO GAU			
15	06/01/2006	TRANSFER INQUIRY TO GAU			
14	05/25/2006	TRANSFER INQUIRY TO GAU			
13	03/11/2006	CLEARED BY OIPE CSR			
12	03/11/2006	CLEARED BY OIPE CSR			
11	03/11/2006	CLEARED BY OIPE CSR			
10	03/11/2006	CLEARED BY OIPE CSR			
9	11/03/2005	371 COMPLETION DATE			
8	01/24/2006	APPLICATION DISPATCHED FROM OIPE			

7	01/24/2006	NOTICE OF DO/EO ACCEPTANCE MAILED			
6	11/03/2005	ADDITIONAL APPLICATION FILING FEES			
5	11/03/2005	TRANSLATION OF ANNEXES TO THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT INTO ENGLISH			
4	11/03/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)